

## **Exhibit M**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

“THE YOUNGBLOODS” (Perry Miller p/k/a  
Jesse Colin Young; Lowell Levinger; Jerry  
Corbitt; Mina Bauer, the widow of Joe Bauer; and  
manager Stuart Kutchins), ON BEHALF OF  
ITSELF AND ALL OTHERS SIMILARLY  
SITUATED,

Plaintiff,

vs.

BMG MUSIC,

Defendant.

x

: 07 Civ. 2394 (GBD) (KNF)

: ECF CASE

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**DECLARATION OF STUART KUTCHINS ON BEHALF OF THE YOUNGBLOODS**

I, STUART KUTCHINS, declare as follows:

1. I am manager of The Youngbloods, the plaintiff in the above-captioned class action. I submit this declaration for payment for our services as representative plaintiff for the class. I have personal knowledge of the matters set forth in this declaration, and, if called upon to do so, I could and would competently so testify.

2. I have been involved with this action since its inception over five years ago. I have spent considerable time monitoring this action and keeping myself informed, and have been in constant contact with my attorney, Tom Cohen, regarding the action.

3. The time that I have spent on this action includes reviewing pleadings and briefs prior to their submission to the Court, and reviewing the Court's decisions.

4. I and the other members of the Youngbloods also spent time reviewing our own records and producing documents for discovery; many of the documents that were produced were from the 1970's and were not readily available without diligent effort to locate. In addition, I and other members of the Youngbloods travelled for the purpose of being deposed. I was deposed in two separate sessions as the corporate representative for the Youngbloods. Other than my depositions the following members of the Youngbloods were also deposed: Lowell Levinger, Jesse Colin Young and (former member) Jerry Corbitt. Our deposition produced transcripts with a total of 851 pages.

5. Additionally, I conferred about settlement terms with regard to the final settlement and disposition of the case. Specifically, I was in constant communications with my attorneys throughout the various mediation conferences and was constantly apprised of the progress of the settlement discussions. I, on behalf of the Youngbloods, also appeared by teleconference at the settlement conference conducted by Magistrate Fox and participated extensively by teleconference in two mediation sessions.

6. I spent at least 100 hours in performing these duties. Lowell Levinger, Jesse Colin Young and (former member) Jerry Corbitt also spent a considerable number of hours, searching for documents, preparing for deposition with Tom Cohen, and consulting with me with

regard to discovery and settlement issues. Additionally, I cancelled about a cumulative week of clinic time to be available for depositions, settlement conferences and mediation.

7. Based on my experience as a Doctor of Orinetal Medicine and a Licensed Acupuncturist and formerly as a music business professional, I value my time at no less than \$120 per hour.

8. I felt strongly about this case and, had it not settled, I was prepared to and would have testified at trial.

9. I believe that the settlement is a fair, reasonable, and adequate result for the class and is truly the result of the hard work of class counsel. I was involved throughout the litigation and was kept abreast of all material discussions which led to the proposed settlement. On the basis of the efforts of counsel and the results achieved, I support the motion for final approval of the settlement and the proposed plan of allocation as well as class counsel's application for an award of attorneys' fees and expenses.

10. In light of my efforts on behalf of the class, and the success of the action in obtaining a substantial recovery for the class, I respectfully request that the Court approve the proposed settlement and award The Youngbloods \$15,000 for their services as a class representative.

The above is true to my personal knowledge and if called to do so I could and would testify competently thereto. I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed this 7<sup>th</sup> day of June 2012, in Inverness California.



STUART KUTCHINS